THE SEAWARD ARTILLERY PRACTICE ACT, 1949 (VIII OF 1949).

G. N., R. D., No. 1248/49, dated 1st August 1950 (B. G., Pt. IV-A, p. 443). S. 3 (1)

Amended by G. N., R. D., No. 1248/49, dated 17th April 1951.

Amended by G. N., R. D., No. 1248/49, dated 10th May 1952.

In exercise of the powers conferred by sub-section (*1*) of section 3 of the Seaward Artillery Practice Act, 1949 (VIII of 1949), the Government of Bombay is pleased to authorise the carrying out of seaward artillery practice over each of the areas specified below during the period of 10 years from 1st August 1950 :—

Areas.

Name of Area. 1	Name of District. 2	Description of Area. 3
1. Colaba, Firing Area No. 1.	Bombay ..	Bounded on the North by a straight line drawn from a point at longitude 72° 54′ 00″ latitude 18° 54′ 30″ to middle Ground at longitude 72° 49′ 05″ latitude 18°55′ 10″ and thence to Oyster Rock at longitude 72° 49′ 48″ latitude 18° 54′ 05″. Bounded on the West by Oyster Rock at longitude 72° 49′ 48″ latitude 18° 54′ 05″. Bounded on the South by a straight line drawn from Oyster Rock to a point at longitude 72° 52′ 00″ latitude 18° 48′ 00″. Bounded on the East by a straight line drawn from a point at longitude 72° 52′ 00″ latitude 18° 48′ 00″ to a point at longitude 72° 54′ 30″ latitude 18° 54′ 00″ and thence to a point at longitude 72° 54′ 00″ latitude 18° 54′ 30″.
2. Firing Area No. 2 ..	Bombay ..	Bounded on the North by the inter sections of the Western boundary with latitude 19° 00′ 00″ in a straight line due East to a point at longitude 72° 44′ 05″ latitude 19° 00′ 00″. Bounded on the West by the arc struck from Colaba Point at longitude 72° 48′ 45″ latitude 18° 53′ 35″ at a distance of 12½ sea miles and drawn from a point at longitude 72° 41′ 48″ latitude 18° 43′ 17″ terminating at latitude 19° 00′ 00″.

Name of Area.	Name of District.	Description of Area.
1	2	3
2. Firing Area No. 2—*contd.*	Bombay—*contd.* ...	Bounded on the South by a point at longitude 72° 41′ 48″ latitude 18° 43′ 17″. This point lies at a distance of 12½ sea miles from Colaba Point at longitude 72° 48′ 45″ latitude 18° 53′ 35″. Bounded on the East by a straight line drawn from longitude 72° 44′ 05″ latitude 19° 00′ 00″ to Colaba Point at longitude 72° 48′ 45″ latitude 18° 53′ 35″ thence to a point at longitude 72° 41′ 48″ latitude 18° 43′ 17″. The area is also inclusive of that part of Backbay Reclamation which lies to the West of a straight line drawn from Colaba Point at longitude 72° 48′ 45″ latitude 18° 53′ 35″ in North-West direction to a point 2 cables South-West of Malbar Point and includes the Colaba Fortress, Radar Section Artillery School (Coast Win) and the whole of the precincts of the U.S. Club Swimming pool.
3. Firing Area No. 3 ...	Bombay ...	Boundad on the North by a line drawn from a point at longitude 72° 47′ 00″ latitude 19° 05′ 00″ to a point at longitude 72° 35′ 00″ latitude 19° 04′ 00″. Bounded on the West by a line drawn from a point at longitude 72° 35′ 00″ latitude 19° 04′ 00″ to a point at longitude 72° 38′ 30″ latitude 18° 50′ 00″. Bounded on the South by a line drawn from a point at longitude 72° 38′ 30″ latitude 18° 50′ 00″ to Worli at longitude 72° 49′ 00″ latitude 19° 01′ 00″. Bounded on the East by a line drawn from Worli at longitude 72° 49′ 00″ latitude 19° 01′ 00″ to a point at longitude 72° 47′ 00″ latitude 19° 05′ 00″.

G. N., R. D., No. 1248/49, dated 1st April 1952 (B. G., Pt. IV-A, p. 455). S. 9 Bombay Seaward Artillery Practice Rules, 1952

In exercise of the powers conferred by section 9 of the Seaward Artillery Practice Act, 1949 (VIII of 1949), and after consultation with the local military and naval authorities and the authorities of the port in the notified area, the Government of Bombay is pleased to make the following rules, namely :—

1. *Short title.*—These rules may be called the Bombay Seaward Artillery Practice Rules, 1952.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(*a*) " Act " means the Seaward Artillery Practice Act, 1949 (VIII of 1949);

(*b*) " aircraft " includes baloon, whether fixed or free, kite, airship, aeroplane, seaplane, flying boat, glider, or any other flying machine;

(*c*) " chavdi " means, in any village in which there is no chavdi, such place as the Collector has directed to be the chavdi for the purposes of the Bombay Land Revenue Code, 1879, or if no such direction has been issued by the Collector, such place in the village as is normally used by the village officers for the revenue work of the village;

(*d*) " danger zone " means any area declared to be a danger zone under sub-section (*2*) of section 4 ;

(*e*) " evacuation " means removal from a danger zone of persons, property or vessels ;

(*f*) " practice " includes practice with Atk rifles, MMGs, Mortars or any other type of artillery weapons ;

(*g*) " Revenue Officer " means the Assistant or Deputy Collector or any other Officer not lower in rank than a Mamlatdar or Mahalkari deputed in this behalf by the Collector ;

(*h*) " section " means a section of the Act.

3. *Manner of giving notice referred to in section 3(3).*—The notice of the intention of the State Government to issue a notification under sub-section (*1*) of sertion 3 shall be given in the Form appended to these rules—

(*a*) by publication in the *Official Gazette,*

(*b*) by publication in some newspaper circulating in and in the language commonly understood in the area proposed to be specified, and

(*c*) by beat of drum or in the following manner, namely :—

(*i*) by affixing copies of the notice in the regional language of the area in such prominent places like the court buildings, police stations, post offices, temples, mosques, churches, chavdis, libraries, dharmashalas and other public buildings as the Collector deems fit ;

(*ii*) by sending copies of the notice to such non-official bodies and associations in the area as the Collector deems fit ;

(*iii*) by distributing copies of the notice at public markets, fairs and social and political gatherings, if any, held in the area and in the vicinity thereof ; and

(*iv*) in such other manner as the Collector may deem necessary.

4. *Precaution to be taken in notified area.*—(1) The Collector or any officer deputed by him in this behalf shall cause all thoroughfares, roads, bridges, ports, rivers, canals, creeks, bays, waterways, and other approaches to a notified area to be guarded by marks, signboards, flags, pickets, floats, lights, buoys or by any other means he thinks necessary on the day of the seaward artillery practice.

(2) The Collector shall, on application made to him by the officer commanding the forces engaged in such practice, arrange with the assistance of the naval or military authorities concerned, for the evacuation and guarding of the danger zone. Notice of such evacuation shall be given at least ten days before the date of the evacuation.

(3) The Collector shall arrange to announce by beat of drum to the inhabitants of the notified area the provisions of section 7.

(4) The Collector or the officer deputed by him in this behalf shall take steps before any evacuation takes place, for the closing and sealing of the houses, public buildings and other premises and also for the removal of such property and vessels as he deems fit in the presence of the owners thereof, and, if the owners are absent from the danger zone, in the presence of two respectable inhabitants of the locality.

5. *Assessment and payment of compensation.*—(1) The Revenue Officer shall, subject to the provisions of sub-rule (2) on local investigation and after affording the claimant an opportunity of being heard and recording a memorandum of evidence, determine the amount of compensation payable under section 5. In case of damage to any vessel, stakes in the sea or the creek nearby or things used for catching fish or loss in any undertaking such as salt making, fishing, fish curing or fish drying, the Revenue Officer shall determine the amount of compensation after personal verification of the damage or loss.

(2) The amount of compensation shall be such amount as in the opinion of the Revenue Officer be adequate in accordance with the following principles :—

(*a*) If the injury caused is bodily injury to any human being or any animal, the amount of compensation shall be the medical and other charges reasonably required to cure the injury. If such injury is incurable and deprives the person or animal of the use of any limb or organ on account of such injury, the amount of compensation shall be the amount of loss suffered by the person himself or the person to whom the animal belongs on account of the deprivation of the use of such limb or organ.

(*b*) If the injury caused is the injury to any property, whether movable or immovable, the amount of compensation shall be the amount as is reasonably required to repair such injury. If the injury is irreparable, the amount of compensation shall be the market value of the property.

(3) After determining the amount of compensation the Revenue Officer shall cause it to be paid in his presence by the Naval Compensation Officer appointed in that behalf by the naval authorities direct to the claimants :

Provided that in the case of pardanshin ladies or sick or invalid persons such compensation may be paid to their authorised agents and in the case of minors to their guardians.

6. *Scale of Compensation.*—Compensation on account of evacuation from any place shall be paid in respect of each day on which the evacuation is enforced at such rates as may be fixed by the Revenue Officer. Such rates shall not be less than—

(*a*) in the case of a labourer or a fisherman servant about 12 years of age, the wages per day ordinarily earned by such labourer or servant:

Provided that when or any one day the evacuation is for a period of less than four hours, the rate of compensation shall not be less than half the wages per day ordinarily earned by such labourer or servant;

(*b*) in the case of a fisherman, the loss of fishing estimated on the basis of the value of the average catch per fishing boat, such average being calculated on the basis of a normal working of a fishing boat during fair season from September to May;

(*c*) in the case of any other person over 12 years of age superior in status to a labourer or a fisherman servant, such loss of earnings as the Revenue Officer estimates to have been incurred by him;

(*d*) for the removal of a sick or invalid person, the actual cost of removal in addition to the wages, if any, as prescribed in clause (*a*) above.

7. *Artillery practice range and artillery material.*—(1) The land and sea area within which the seaward artillery practice is to be carried out shall be divided into different portions and referred to as firing areas No. 1, No. 2, etc.

These portions shall further be specified as shown below:—

Firing Area No.—

(*a*) *Land:* The area of land affected is ..... at longitude .....
.....latitude .....

(*b*) Sea area enclosed:

On the South by

On the East by

On the North by

On the West by

(2) Before firing takes place in the areas referred to in sub-rule (1), notice of such firing shall be given by the hoisting of signals and precautions may be taken to see that—

(i) no person enters or remains within the land area or the sea area affected, nor brings, takes or suffers to remain therein, any vehicle, animal, vessel, aircraft, or thing except with the permission of the authorities concerned;

(ii) no person or vessel is employed in fishing in the sea area;

(iii) no vessel anchors or remains anchored in or around on the sea area except under the orders of the naval authorities;

(iv) no aircraft remains on or travels upon the sea area.

(3) Firing programme shall be notified ten days before the firing is to take place and it shall be forwarded to the local authorities and also the local newspapers for publication in the regional language of the district within which the firing area is situated. It shall also be sent in addition to the following :—

State Government in the Revenue Department.
H. Q. Artillery, Southern Command, Poona.
H. Q. Bombay Area, Colaba, Bombay.
H. Q. Bombay Sub-Area, Colaba, Bombay.
Command, Artillery School, Deolali.
O.C.I.A.F.
Controller of Aerodrome, Bombay Region, Bombay Airport, Santa Cruz, Bombay.
Senior Area Control and Flying Control Officer, Santa Cruz, Bombay.
Aerodrome Officers, Santa Cruz and Juhu.
Commissioner of Police, Greater Bombay.
Superintendent of Police, H and I Division, Bombay.
Superintendent of Light Houses, Old Customs House, Bombay.
Commodore in charge I. N., Bombay.
Harbour Master, Bombay.
Municipal Commisssioner for Greater Bombay.
Director of Fisheries, Old Custom House, Bombay.
Collector, Bombay and Bombay Suburban District.
Deputy Conservator, Bombay Port Trust.
Superintendent of Police, Worli, Bombay.
O. C. Military Hospital, Bombay.
Hon. Secretary, U. S. Club, Colaba, Bombay.
Principal Officer, Mercantile Marine Department, Bombay.

(4) No person shall trawl, dredge, touch or search for or otherwise interfere with any shot, shell, bomb, bullet, or other projectile or any portion thereof found within the land area or be in possession of any such shot, shell, bomb, bullet or other projectile or any portion thereof found within the land area or the sea area.

(5) Any person who when trawling, dredging, or in any manner whatsoever, shall come into possession of any such shot, shell, bomb, bullet, or other projectile, or any portion thereof, within the sea area, shall not retain it, but shall immediately return it to the naval authorities concerned in its then condition, and without tampering with it into the water :

Provided that the provisions of sub-rules (4) and (5) shall not apply in cases of persons who recover projectiles under written instructions from the naval, military or air force authorities.

FORM.

(*See* rule 3.)

No. .—Notice is hereby given that in exercise of the powers conferred by sub-section (2) of section 3 of the Seaward Artillery Practice Act, 1949 (VIII of 1949), the Government of Bombay proposes to authorise the carrying out of seaward artillery practice over the areas specified below during the period from to both days inclusive.

Land area.

Name of taluka.	Village Survey Nos.	Approximate area.

Sea area enclosed—

On the South by

On the East by

On the North by

On the West by

2. A summary of the main provisions of the Act and the rules made thereunder showing the rights and obligations of the inhabitants of the areas is given in Appendix A for general information.

3. A copy of the map of the areas is given in Appendix B.

4. The notification under sub-section (*1*) of the said section 3 will be issued after the expiry of the period of *two months* from the date of the first publication of this notice in the *Bombay Government Gazette.*

APPENDIX A.

Summary of the main provisions of the Act and rules made thereunder.

(1) *Notice of the intention of carrying out seaward artillery practice.*—Before the seaward artillery practice takes place over any specified area, there will first be published a notice in the *Bombay Government Gazette* notifying the intention of Government to issue a notification specifying the area over which and the period or periods during which the seaward artillery practice shall take place. The publication of this notice shall be as wide as possible and shall be given (*a*) by publication in the official Gazette ; (*b*) by publication in some newspaper circulating in and in the language commonly understood in the area proposed to be specified ; (*c*) by beat of drum or by affixing copies of the notice in the regional language of the area in all prominent and public places in the area, by sending copies of the notice to selected non-official bodies and associations, by distributing copies of the notice at the markets, fairs and public meetings held before the date fixed for the artillery practice, and in such other manner as the Collector may deem necessary.

(2) *Final notification authorising the practice.*—Only after the expiry of two months from the date of the first publication of the notice in the *Bombay Government Gazette,* the notification itself shall be published in the *Bombay Government Gazette* authorising the carrying out of the seaward artillery practice within the specified area during the specified period or periods. Publicity to this notification also shall be given as widely as possible as in the case of the earlier notice.

(3) *Special provisions as regards the area declared to be a danger-zone.*—In some notified areas, there may be some area declared as a danger-zone by the Commanding Officer. This danger-zone area shall be marked in bold red in one copy of the map previously published with the notice.

(4) The danger-zone area shall be guarded by sign-boards, pickets, etc., on the day of the practice.

(5) If so required by the Officer Commanding the forces engaged in the artillery practice, all persons and vessels are bound to vacate the danger-zone area during the specified period and they shall not enter that area during the specified period. The Collector shall arrange with the assistance of the naval or military authorities concerned for the evacuation and guarding of the danger-zone.

(6) *Precautions to be taken in the danger-zone.*—The Collector or any other officer deputed by him shall arrange for all thoroughfares, roads, bridges, waterways and other approaches to the notified areas to be guarded by marks, sign-boards, pickets, etc., on the day of the practice. He shall also by beat of drum make known to the inhabitants of the area affected the penal provisions of the Act given in paragraph (10) below.

(7) *Provision as regards the claim and award of compensation to persons suffering loss or damage.*—Compensation for any damage caused by seaward artillery practice to person or property or for interference with rights or privileges, including expenses reasonably incurred in protecting person, property, rights and privileges during the seaward artillery practice shall be paid by Naval Compensation Officer in the presence of the Revenue Officer deputed by the Collector. Compensation shall include compensation for the removal from any portion of a notified area declared to be a danger-zone of any person, property or vessel and for any damage sustained in the course of any such removal. The compensation for removal shall be disbursed on the spot at not less than the minimum prescribed rate before the removal is enforced.

(8) It shall be the duty of the Revenue Officer so deputed to consider all claims for compensation and determine the amount of compensation to be awarded by local investigation and after affording the claimant an opportunity of being heard and to cause disbursement of the amount of compensation to the claimants.

(9) *Right of appeal.*—Any claimant who is dissatisfied with the refusal of the Revenue Officer to award him compensation or with the amount of compensation awarded to him by the Revenue Officer may, at any time within one month of the communication to him of the decision of the Revenue Officer, prefer an appeal to the Collector. The decision of the Collector on such appeal shall be final and no suit shall lie in any civil court in respect of any matter decided by the Collector.

(10) *Offences punishable under the Act.*—If within the notified area and during the specified period any person (*a*) wilfully obstructs or interferes with the carrying out of seaward artillery practice, or (*b*) without due authority enters or remains in any camp, or (*c*) without due authority enters or remains in any area declared to be a danger zone at a time when entry thereto is prohibited, or (*d*) without due authority interferes with any flag or mark or target or buoy or any apparatus used for the purposes of the artillery practice, he shall be punishable with fine which may extend to twenty rupees or with imprisonment which may extend to fifteen days or with both.

APPENDIX B.

(A copy of the map of the areas affected.)